

## MEMORANDUM ENDORSED

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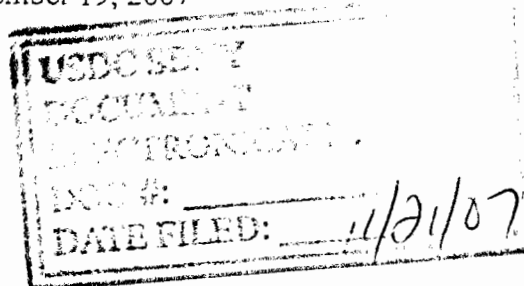
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November 19, 2007

BY FACSIMILE: 212-805-4268

Hon. Gabriel W. Gorenstein  
United States Magistrate Judge  
United States Courthouse  
500 Pearl Street, Room 510  
New York, New York 10007



L & L Wings, Inc. v. Marco-Destin, Inc. et al.  
07 Civ. 4137 (BSJ) (GWG)

Dear Magistrate Gorenstein:

We represent all defendants in the above-referenced action. This letter is written, pursuant to Paragraph 8 of the Court's Standing Order In Cases Referred for Settlement, to request an adjournment of the settlement conference in this case, presently scheduled for 2:00 p.m. on December 5, 2007, to 2:30 p.m. on January 17, 2008, which your Chambers has advised is an available time and date for a rescheduled conference.

As recited below, plaintiff does not consent to an adjournment of the conference to a date in January. While this application is made for good cause, we note that under the Court's Standing Order the last day to apply for a change in settlement conference date, without cause, is Wednesday, November 21, 2007.

Shortly after the Rule 16 Conference in this case on October 30, 2007, my partner, Jerold Schneider, asked Bennett Krasner, plaintiff's counsel, if his client would consent to an adjournment of the settlement conference until January because defendants' principal, who resides primarily in Israel, had no scheduled plan to be in this country before January. Hearing nothing from Mr. Krasner, Mr. Schneider again called Mr. Krasner on November 7 to press for a response to defendants' request for an adjournment of the settlement conference. On November 12, 2007, Mr. Krasner finally responded that his clients were unwilling to consent voluntarily to a January settlement conference date as his clients had already rearranged their travel schedules

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to be in New York for the conference and "wanted to move this case along." (Mr. Krasner's reference to his client's "rearrangement of travel schedules" is puzzling in view of the fact that plaintiff's principal place of business is at 8 East 41<sup>st</sup> Street, New York City. Complaint ¶ 1.)

The following day, November 13, I telephoned Chambers to seek a change in the settlement conference date and was advised that the Court would be available to hold the settlement conference on January 17, 2008 at 2:30 p.m. Mr. Schneider immediately wrote a letter to Mr. Krasner on November 13, 2007 (a copy of which is attached), in which he asked if plaintiff was available on January 17, 2008, and noted that Mr. Krasner had indicated previously that he would be available on January 17. A prompt response to this communication was requested. As of this writing, defendants have had no response to Mr. Schneider's letter of November 13, 2007.

In view of the foregoing, defendants respectfully request that this Court grant defendants' application to adjourn the settlement conference date to January 17, 2008, at 2:30 p.m. Meanwhile, pursuant to Paragraph 9 of this Court's Standing Order, defendants stand ready to meet all existing case deadlines and other pending obligations, which remain unaffected by any adjournment.

Respectfully submitted,



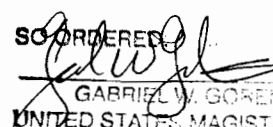
Lansing R. Palmer

LPR/jrs

cc: Bennett D. Krasner, Esq. (by electronic mail)  
Jerold I. Schneider, Esq. (by electronic mail)

*Granted without opposition  
Letters due Jan. 14 at noon*

SO ORDERED

  
GABRIEL W. GORENSTEIN  
UNITED STATES MAGISTRATE JUDGE